

Lyle S. Hosoda & Associates  
 345 Queen St., Ste. 804  
 Honolulu HI 96813

Invoice submitted to:  
 Louis J. Price, Esq.  
 McAfee & Taft  
 211 N. Robinson Ave., 10th Floor  
 Oklahoma City OK 73102

January 7, 2005

Invoice #11618

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>CTC</u>		
12/27/04 Review draft of reply to motion for summary judgment; Research Westlaw re: Issue of what happens if question of fact exists because opposing party prevents disclosure of evidence, standard for dealing with naked assertions in response to affidavit in motion for summary judgment	2.90 125.00/hr	362.50
SUBTOTAL:	[ 2.90	362.50]
<u>LHO</u>		
12/1/04 Review documents/email retrieval system and chronology; Meeting with S. Dunn; Communicate with defense counsel; Prepare for depositions	2.70 200.00/hr	540.00

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Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
12/2/04 Place telephone call to L. Smith; Review documents and prepare for depositions	2.50 200.00/hr	500.00
12/3/04 Review documents and prepare for meeting; Meeting with B. Christensen, A. Waiolama and J. Rio to prepare for depositions; Place telephone calls to L. Smith; Place telephone call to M. Dulac and O. Samad re: Deposition preparation; Work on discovery requests	4.50 200.00/hr	900.00
12/4/04 Prepare for depositions	2.00 200.00/hr	400.00
12/5/04 Meeting with B. Christensen, O. Samad and L. Smith; Review documents; Prepare for deposition	3.00 200.00/hr	600.00
12/6/04 Meeting with clients to prepare for deposition; Attend and defend depositions of B. Christensen, J. Rio and A. Waiolama	8.50 200.00/hr	1,700.00
12/7/04 Draft letters to clients re: Status following depositions; Communicate with defense counsel re: Strategy following depositions; Review documents; Prepare discovery requests	2.50 200.00/hr	500.00
12/14/04 Place telephone call to client re: Status; Review discovery requests and documents	0.80 200.00/hr	160.00
12/17/04 Review Foodland's position re: Motion for Summary Judgment	0.30 200.00/hr	60.00

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Page 3

	<u>Hrs/Rate</u>	<u>Amount</u>
12/20/04 Review HEX/HES re: C. Matsui letter	0.40 200.00/hr	80.00
12/21/04 Place telephone call to L. Smith; Place telephone call to M. Dillon; Place telephone call to B. Christensen; Work on reply	2.50 200.00/hr	500.00
12/22/04 Review HTC's position statements re: Foodland's Motion to Dismiss; Review Post-Confirmation Tenant's position statements re: Motions to Dismiss and for Summary Judgment; Review stipulation to set aside default; Review Opposition to ind. employer's Motion for Summary Judgment	3.00 200.00/hr	600.00
12/23/04 Place telephone call to B. Christensen; Place telephone call to M. Dillon; Place telephone call to L. Smith; Place telephone call to L. Colombe; Research and work on Reply for Motion for Summary Judgment	5.00 200.00/hr	1,000.00
12/27/04 Place telephone call to B. Christensen; Place telephone call to M. Dillon; Place telephone call to L. Smith; Place telephone call to A. Beamer; Correspondence with J. Morgan; Draft affidavit for M. Dillon; Research and draft Reply re: Motion for Summary Judgment	7.00 200.00/hr	1,400.00
12/28/04 Review B. Christensen's deposition transcript; Conference call to discuss any changes and corrections with L. Smith and B. Christensen; Place telephone call to M. Dillon and J. Morgan re: Affidavit/declaration in support of HTC's Reply memo to Motion for	6.50 200.00/hr	1,300.00

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Page 4

	<u>Hrs/Rate</u>	<u>Amount</u>
Summary Judgment; Followup with M. Dillon re: Declaration to support of Reply to Motion for Summary Judgment; Place telephone call to A. Beamer re: Declaration		
12/29/04 Place telephone calls to M. Dillon; Communicate with L. Smith and J. Morgan; Review and finalize Reply memo re: Motion for Summary Judgment	5.00 200.00/hr	1,000.00
12/30/04 Review HTC's Reply memo re: Motion for Summary Judgment; Review all Reply to Motion for Summary Judgment memos; Conference call with L. Smith	1.50 200.00/hr	300.00
 SUBTOTAL:	 [ 57.70	 11,540.00]
 RM		
12/1/04 Review correspondence to M. Dulac; Review deposition preparation, chron and question areas re: Clients depositions; Review CD and narrative produced by client	0.60 125.00/hr	75.00
12/2/04 Review correspondence re: CD with all files and reports	0.10 125.00/hr	12.50
12/3/04 Place telephone call to J. Morgan re: Deposition of A. Waiolama; Review letter from C. Matsui re: Initial conference and discovery procedures	0.40 125.00/hr	50.00

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Page 5

	<u>Hrs/Rate</u>	<u>Amount</u>
12/6/04 Review correspondence from K. Fine re: Default taken by Berry against P. Hirayama; Place telephone call to M. Dillon re: Deposition of A. Waiolama and J. Rio; Meet with clients re: Deposition	0.90 125.00/hr	112.50
12/7/04 Review correspondence to clients re: Deposition; Review correspondence to E. Liebeler re: Depositions	0.20 125.00/hr	25.00
12/8/04 Review correspondence from C. Matsui re: Initial discovery conference; Draft memo to D. Matsuda re: Documents needed for special discovery master; Research issue of copyright liability of non managerial employee for reply re: Motion for Summary Judgment	1.10 125.00/hr	137.50
12/13/04 Strategize re: Reply in support of Motion for Summary Judgment; Review Motion for Preliminary Injunction, second amended complaint re: specific conduct Plaintiff's claims are infringement	1.30 125.00/hr	162.50
12/14/04 Review correspondence from L. Smith re: Use of EDI by Foodland	0.10 125.00/hr	12.50
12/16/04 Review deposition transcripts of clients; Draft shell of reply in support of Motion for Summary Judgment; Review Foodland's no position statement on co-defendants' Motions for Summary Judgment	2.10 125.00/hr	262.50
Review correspondence from E. Reber Porter re: Documents to special discovery master; Prepare depositions for clients' review;	1.40 125.00/hr	175.00

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Page 6

	<u>Hrs/Rate</u>	<u>Amount</u>
Draft and sent letters to clients re: Review deposition transcripts, make corrections and sign certification page		
12/20/04 Draft statement of no positions to Foodland and HTC's Motions for Summary Judgment; Review Berry's opposition to Motion for Summary Judgment; Review Berry's opposition to Foodland and HTC's Motions for Summary Judgment	1.50 125.00/hr	187.50
12/21/04 Review deposition transcripts; Draft reply re: Motion for Summary Judgment; Draft correspondence to T. Noa re: Berry's exhibits in opposition to Motion for Summary Judgment; Draft Affidavit of M. Dillon re: No bonus compensation; Draft dec of T. Noa re: Berry's exhibits; Draft argument section of reply memo in support of Motion for Summary Judgment; Review Order denying PI; Memo in Support of Motion for Summary Judgment and opposition to PI motion	4.20 125.00/hr	525.00
12/22/04 Review correspondence from J. Morgan re: Opposition to Motion for Summary Judgment; Review correspondence from L. Smith re: B. Christensen's deposition testimony; Review Berry's opposition and counter statement of facts to HTC's Motion for Summary Judgment; Review Berry's opposition and counter statement of fact to Foodland's Motion for Summary Judgment; Draft intro and argument section of reply in support of Motion for Summary Judgment; Review fed rules; Review	3.60 125.00/hr	450.00



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Page 7

	<u>Hrs/Rate</u>	<u>Amount</u>
research re: Standard for Motion for Summary Judgment and infringement; Review Berry's expert report		
12/23/04 Draft argument section of reply in support of Motion for Summary Judgment; Review correspondence from M. Dillon re: HTC; Review correspondence from J. Morgan; Review correspondence from L. Colombe	2.90 125.00/hr	362.50
12/27/04 Conference call to L. Smith re: Supplemental affidavit of clients for reply; Review correspondence to J. Morgan re: Dec of M. Dillon re: Reports; Draft argument section of reply; Place telephone call to M. Dillon re: Compensation and supplemental affidavit; Review opposition to motion for preliminary injunction re: Affidavit of T. Noa; Review research re: Attack on affidavit; Proofread draft of reply; Shepardize cases cited in reply	7.10 125.00/hr	887.50
12/28/04 Meet with M. Dillon re: Declaration in support of reply; Conference call to B. Christensen re: Changes to deposition; Draft correction sheet re: B. Christensen's changes to deposition; Draft correspondence to B. Christensen re: Changes; Draft correspondence to M. Dillon re: Declaration; Finalize draft of reply memo in support of Summary Judgment; Review Judge King's	5.60 125.00/hr	700.00

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Page 8

	<u>Hrs/Rate</u>	<u>Amount</u>
order re: Post trial motions; Review correspondence from D. Capozzola and E. Liebeler re: Judge King's order		
12/29/04 Meet with B. Christensen re: Deposition correction sheet; Shepardize cases cited in reply; Prepare reply for service and filing	3.60 125.00/hr	450.00
 SUBTOTAL:	 [ 36.70	 4,587.50]
<u>SD</u>		
12/1/04 Preparation of documents; Input/summarize chron documents and identify key documents (various emails relating to database)	7.50 85.00/hr	637.50
12/7/04 Preparation of documents; Input/summarize chron documents and identify key documents (various emails relating to database)	3.50 85.00/hr	297.50
12/10/04 Preparation of documents; Input/summarize chron documents and identify key documents (various emails relating to database)	3.50 85.00/hr	297.50
12/14/04 Preparation of documents; Input/summarize chron documents and identify key documents (various emails relating to database)	2.50 85.00/hr	212.50



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Page 9

	<u>Hrs/Rate</u>	<u>Amount</u>
12/17/04 Preparation of documents; Input/summarize chron documents and identify key documents	4.50 85.00/hr	382.50
12/21/04 Preparation of documents; Input/summarize chron documents and identify key documents (various emails relating to database)	3.00 85.00/hr	255.00
12/23/04 Preparation of documents; Input/summarize chron documents and identify key documents (various emails relating to database)	5.50 85.00/hr	467.50
12/28/04 Preparation of documents; Input/summarize chron documents and identify key documents (various emails relating to database)	5.50 85.00/hr	467.50
 SUBTOTAL:	 [ 35.50	 3,017.50]
 For professional services rendered	 132.80	 \$19,507.50
 Additional charges:		
<u>LHO</u>		
12/7/04 Postage		0.74
Xerox		0.80
12/15/04 Xerox		11.00
12/27/04 Fedex		14.59
 SUBTOTAL:		 [ 27.13]

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Page 10

Amount

Total costs \$27.13

Service tax \$812.68

Total amount of this bill \$20,347.31

Previous balance \$108,572.69

12/24/04 Payment - thank you (\$70,739.36)

Balance due \$58,180.64

Lyle S. Hosoda & Associates  
 345 Queen St., Ste. 804  
 Honolulu HI 96813

Invoice submitted to:  
 Louis J. Price, Esq.  
 McAfee & Taft  
 211 N. Robinson Ave., 10th Floor  
 Oklahoma City OK 73102

February 11, 2005

Invoice #11631

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>LHO</u>		
1/3/05 Review and finalize letter to C. Matsui re: Discovery matters; Place telephone call to S. Dunn; Place telephone call to T. Noa re: Status and upcoming Motion for Summary Judgment hearing; Review Reply memorandum re: Motion for Summary Judgment; Begin preparing for hearing	2.20 200.00/hr	440.00
1/4/05 Review emails from L. Smith/M. Dulac re: Deposition corrections; Correspondence with J. Rio re: Deposition corrections	1.20 200.00/hr	240.00
1/5/05 Emails with defense counsel; Prepare for meeting with C. Matsui; Place telephone call to L. Smith; Arrange conference call	1.60 200.00/hr	320.00

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Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
1/6/05 Conference call with Defense counsel re: Discovery; Prepare for discovery conference with C. Matsui; Review email from L. Colombe; Review J. Rio deposition and corrections made to transcript; Place telephone call to L. Smith re: CD	2.30 200.00/hr	460.00
1/7/05 Initial meeting with C. Matsui and all counsel re: Discovery issues	1.00 200.00/hr	200.00
1/10/05 Work with M. Dillon and L. Smith re: Iowa Telecom documents; Review diagram of computers by M. Dillon	1.20 200.00/hr	240.00
1/11/05 Place telephone call to L. Smith; Email correspondence to T. Hogan/M. Dulac; Review pleadings; Followup re: M. Dillon/diagram	1.50 200.00/hr	300.00
1/12/05 Review Foodland's Reply re: Summary Judgment; Review Judge King's denial of Foodland's Motion for attorneys fees; Review email correspondence from T. Hogan and M. Dulac re: Protective order; Reivew proposed stipulated protective order; Review Plaintiff's third supplemental disclosure; Place telephone call to L. Smith; Review documents	2.50 200.00/hr	500.00
1/13/05 Review documents and prepare for hearing	1.70 200.00/hr	340.00
1/17/05 Prepare for hearing on Motion for Summary Judgment	2.00 200.00/hr	400.00
1/18/05 Meeting with clients; Prepare for and attend hearing on Motion for Summary Judgment; Work with clients re: Diagram and order not	3.00 200.00/hr	600.00

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Page 3

	<u>Hrs/Rate</u>	<u>Amount</u>
to destroy evidence		
1/19/05 Review P. Hirayama's Answer to Second Amended Complaint; Emails to L. Smith and M. Dillon re: Diagram; Review documents and status; Review narrative to diagram; Review non-destruction order	1.60 200.00/hr	320.00
1/20/05 Review documents; Review application Pro Hac Vice for mainland counsel for guidance software; Review email from T. Hogan; Correspondence with L. Smith re: Status - diagram and discovery; Followup with clients re: Status/Judge Mollway's ruling	1.80 200.00/hr	360.00
1/25/05 Review letter to C. Matsui; Review status and documents; Review emails from L. Smith; Communicate with clients re: Status	0.80 200.00/hr	160.00
1/26/05 Place telephone call to B. Christensen; Review Court record re: Status; Review correspondence	0.50 200.00/hr	100.00
1/27/05 Review correspondence from L. Smith re: Status; Review correspondence from T. Hogan re: Settlement to C. Matsui; Review diagram and accompanying letter; Followup on ruling	0.80 200.00/hr	160.00
Review correspondence from L. Smith re: Status; Review correspondence from T. Hogan re: Settlement to C. Matsui; Review diagram and accompanying letter; Followup on ruling	0.80 200.00/hr	160.00

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Page 4

	<u>Hrs/Rate</u>	<u>Amount</u>
1/28/05 Review Judge Mollway's order re: Motion for Summary Judgment; Draft letter to client's; Correspondence with M. Dillon	1.70 200.00/hr	340.00
1/29/05 Review Judge Mollway's order; Communicate with defense counsel; Draft proposed letter to T. Hogan	1.40 200.00/hr	280.00
1/31/05 Review L. Smith correspondence re: Microsoft; Communicate with defense counsel; Draft letter to C. Matsui re: Status and Judge Mollway's order re: Motions for Summary Judgment; Communicate with E. Liebeler, B. Christensen and L. Smith re: Status; Draft letter to T. Hogan re: Sanctions; Review discovery	2.20 200.00/hr	440.00
 SUBTOTAL:	 [ 31.80	 6,360.00]
 RM		
1/3/05 Review correspondence from J. Rio re: Corrections to deposition; Review correspondence from L. Smith re: Need expert for trial; Review correspondence from M. Dillon re: Response to further question from J. Morgan on reports received by HTC; Draft letter to J. Floate re: Signature page of A. Waiolama	0.50 125.00/hr	62.50
1/4/05 Place telephone call to J. Rio re: Corrections to deposition transcript; Review letter briefs and correspondence re: Iowa Telecom documents re: Discovery disputes; Review pleadings re: Motion for Summary Judgment in preparation for issues to be raised at hearing	2.80 125.00/hr	350.00



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Page 5

	<u>Hrs/Rate</u>	<u>Amount</u>
1/5/05 Review correspondence to and from L. Smith and M. Dulac re: Discovery issues; Review discovery pleadings re: What Berry owes to us in discovery and what Berry will request from us; Draft memo re: Discovery issues; Review corresopndence from M. Dillon re: Discovery; Organize Iowa Telecom redacted and unredacted documents in preparation for in camera review by discovery master; Review correspondence re: Protective order over internet documents produced by Iowa Telecom; Place telephone call to L. Hosoda re: Discovery issues; Prepare for discovery conference with C. Matsui; Review CD and explanation of system prepared by M. Dillon	3.10 125.00/hr	387.50
1/6/05 Conference call with L. Smith, E. Liebeler and O. Samad re: Discovery issues; Initial conference with C. Matsui; Draft correspondence to client	0.60 125.00/hr	75.00
1/7/05 Review notes from meeting iwth C. Matsui; Review correspondence to and from L. Smith re: Diagramming C&S computer systems; Meet with L. Hosoda re: Camera review of ISP documents; Place telephone call to L. Smith re: Neutral expert, diagram of computer systems	0.70 125.00/hr	87.50
1/10/05 Review correspondence from T. Hogan re: Draft summary of initial conference; Review correspondence from M. Dillon re: Diagram of physical computers at C&S; Draft letter to C. Matsui re: Unredacted	1.00 125.00/hr	125.00

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Page 6

	<u>Hrs/Rate</u>	<u>Amount</u>
copies of Iowa Telecom documents; Prepare Iowa Telecom documents for transfer to C. Matsui; Place telephone call to client re: Diagram		
1/11/05 Review correspondence from M. Dulac re: Will letter brief wrt to protective order, Plaintiff agreed to turn over 1993 FCS subject to protective order	0.20 125.00/hr	25.00
1/12/05 Review correspondence from M. Dillon re: Spreadsheets; Draft to Carnazzo re: Signed deposition and correction sheets	0.40 125.00/hr	50.00
1/13/05 Prepare Motion for Summary Judgment hearing binder; Pull key cases cited in motion/opposition; Research USDC for J. Mollway's inclinations	1.50 125.00/hr	187.50
1/14/05 Review correspondence from client re: Diagram of computers; Review correspondence from client re: Comments to draft non destruct order; Review Judge Mollway's inclinations; Review second amended Complaint and RICO statement in relation to inclinations; Finalize binder for Motion for Summary Judgment hearing; Place telephone call to J. Morgan re: Judge Mollway's inclinations; Draft correspondence to clients re: Inclinations	1.60 125.00/hr	200.00
1/18/05 Conference call from L. Smith re: Judge Mollway's inclinations; Meet with clients re: Motion for Summary Judgment; Attend hearing on Motion for Summary Judgment; Meet with clients re: How court will likely	3.40 125.00/hr	425.00

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Page 7

	<u>Hrs/Rate</u>	<u>Amount</u>
rule, what that means for the rest of the employees; Meet with M. Dillon and B. Christensen re: Diagram of computers, physically situated, comments to non-destruct order, stipulation re: Confidentiality, engage in settlement discussions through special master		
1/18/05 Review correspondence from B. Christensen re: Employees will attend Motion for Summary Judgment hearing; Review correspondence from L. Smith re: Draft diagram, comments before giving to Special Master	0.20 125.00/hr	25.00
1/19/05 Review client's comments re; Preservation of evidence; Review revise diagram of computers	0.40 125.00/hr	50.00
1/28/05 Review Judge Mollway's order re: Summary Judgment; Draft letter to clients re: Order; Place telephone call to L. Smith re: Order's implication as to current spreadsheets; Review correspondence from L. Smith re: Clarification of Order; Draft email to E. Liebeler and associates re: Order	2.40 125.00/hr	300.00
 SUBTOTAL:	 [ 18.80	 2,350.00]
 For professional services rendered	 50.60	 \$8,710.00

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Page 8

## Additional charges:

	<u>Amount</u>
<u>LHO</u>	
12/17/04 Postage	2.81
Xerox	1.20
12/21/04 Postage	0.83
Xerox	36.00
Postage	8.30
12/22/04 Xerox	14.20
12/29/04 Postage	18.84
Xerox	155.40
1/3/05 Xerox	17.40
Fax	28.00
1/4/05 Postage	0.37
Xerox	1.60
1/7/05 Postage	0.72
Xerox	1.60
1/11/05 Postage	0.37
Xerox	1.00
Fax	21.00
1/12/05 Professional services rendered by Jan Floate court reporter	713.45

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Page 9

	<u>Amount</u>
1/28/05 Postage	17.82
Xerox	75.60
1/31/05 Fax	16.00
Postage	3.70
Xerox	28.20
2/2/05 Postage	3.33
Xerox	2.20
 SUBTOTAL:	 <u>[1,169.94]</u>
 Total costs	 <u>\$1,169.94</u>
Service tax	\$362.86
Total amount of this bill	<u>\$10,242.80</u>
Previous balance	\$58,180.64
1/24/05 Payment - thank you	<u>(\$37,833.33)</u>
Balance due	<u><u>\$30,590.11</u></u>

Lyle S. Hosoda & Associates  
 345 Queen St., Ste. 804  
 Honolulu HI 96813

Invoice submitted to:  
 Louis J. Price, Esq.  
 McAfee & Taft  
 211 N. Robinson Ave., 10th Floor  
 Oklahoma City OK 73102

March 7, 2005

Invoice #11645

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>LHO</u>		
2/1/05 Communicate with B. Christensen and L. Smith re: Computer systems in operation at C&S; Review discovery requests; Exchange correspondence with T. Hogan re: Motion for Summary Judgment; Begin preparation of Motion for Summary Judgment	1.70 200.00/hr	340.00
2/2/05 Correspondence with T. Hogan; Begin draft of Motion for Summary Judgment for balance of employee Defendant's	2.50 200.00/hr	500.00
2/4/05 Correspondence with clients; Draft Affidavits to Support Motion for Summary Judgment	2.20 200.00/hr	440.00
2/6/05 Work on Motion for Summary Judgment	2.00 200.00/hr	400.00



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Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
2/7/05 Review subpoena directed at Y. Hata; Followup with clients re: Affidavits for Motion for Summary Judgment; Research and draft Motion for Summary Judgment; Review correspondence to C. Matsui	2.70 200.00/hr	540.00
2/8/05 Work on Motion for Summary Judgment; motions for balance of individual defendants; Review correspondence from defense counsel	1.60 200.00/hr	320.00
2/9/05 Review Foodland's letter to C. Matsui; Correspondence with clients re: Affidavits to support Motion for Summary Judgment; Email B. Christensen re: Status; Email T. Noa re: Motion for Summary Judgment; Work on Motion for Summary Judgment	1.70 200.00/hr	340.00
2/10/05 Work on Motion for Summary Judgment; Correspondence with clients re: Affidavits supporting Motion for Summary Judgment	2.50 200.00/hr	500.00
2/11/05 Work on Motion for Summary Judgment	1.50 200.00/hr	300.00
2/14/05 Place telephone call to L. Colombe; Review C. Matsui's bill	0.30 200.00/hr	60.00
2/15/05 Work on Motion for Summary Judgment	1.50 200.00/hr	300.00
2/16/05 Place telephone call to L. Columbe and review his letter re: Fees of Special Master; Review email from J. Fukumoto; Prepare Affidavits and Motion for Summary Judgment	2.50 200.00/hr	500.00

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Page 3

	<u>Hrs/Rate</u>	<u>Amount</u>
2/17/05 Review revised billing and letter from C. Matsui; Correspondence with clients re: Affidavits supporting Motion for Summary Judgment; Work on Motion for Summary; Followup with L. Smith re: Status; Review correspondence to Mediator re: Discovery	3.50 200.00/hr	700.00
2/18/05 Review Plaintiff's Memo in Opposition to PCT's Motion to Compel; Review Plaintiff's Motion to Quash subpoena to Y. Hata; Correspondence with individual defendant's re: Affidavits and Motion for Summary Judgment; Work on Motion for Summary Judgment	2.70 200.00/hr	540.00
2/22/05 Contact clients re: Signatures on Affidavits; Finalize Affidavits; Review and finalize Motion for Summary Judgment and Concise statement of facts	3.50 200.00/hr	700.00
2/23/05 Meeting at Kapilei with clients re: Motion for Summary Judgment; Meeting with S. Purdy and J. Fukimoto re: Affidavits and Motion for Summary Judgment; Review email and discussion with M. Dillon re: Discovery; Review T. Hogan request to allow additional evidence to be submitted re: Motion to Compel; Meeting with M. Dillon re: Need to image documents; Email defense counsel	4.50 200.00/hr	900.00
2/24/05 Review documents; Place telephone call to M. Dillon; Place telephone call to L. Smith re: C&S computer system; Conference call with E. Liebler and L. Smith re: Imaging	2.30 200.00/hr	460.00

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Page 4

	<u>Hrs/Rate</u>	<u>Amount</u>
C&S system in discovery; Conference call with L. Smith and M. Dillon re: Software conversion package and preservation/microsoft		
2/25/05 Place telephone calls to M. Dillon and L. Smith; Review and exchange emails re: Replacement software	0.80 200.00/hr	160.00
2/26/05 Review correspondence from E. Liebeler re: Y. Hata deposition cancellation; Review A. Lopez declaration; Review correspondence for guidance re: Stipulated protective order; Review documents	0.70 200.00/hr	140.00
2/28/05 Review documents; Followup re: Purchase of license	1.20 200.00/hr	240.00
 SUBTOTAL:	 [ 41.90	 8,380.00]
 RM		
2/1/05 Review correspondence from L. Smith re: Derivative; Research issue of derivative work as basis for infringement	1.30 125.00/hr.	162.50
Review correspondence from T. Hogan re: Demand that remaining employee be dismissed; Begin drafting Motion for Summary Judgment on behalf of remaining employees	0.60 125.00/hr	75.00
2/2/05 Review correspondence to T. Hogan re: Refusal to voluntarily dismiss clients; Strategize with L. Hosoda re: Motion for Summary Judgment on behalf of remaining clients; Draft standard of review section of Motion for Summary Judgment; Draft	2.70 125.00/hr	337.50

Louis J. Price, Esq.

Page 5

	<u>Hrs/Rate</u>	<u>Amount</u>
argument section of Motion for Summary Judgment for remaining employees; Review Judge Mollway's order; Review correspondence from B. Christensen re: Informing other employees will soon get out on Summary Judgment		
2/3/05 Draft correspondence to clients re: job title, responsibilities, no bonuses received for decs to Motion for Summary Judgment; Draft argument section of Motion for Summary Judgment; Research issue of standing to quash SDT	2.30 125.00/hr	287.50
2/7/05 Review J. Rio's responses for Motion for Summary Judgment dec; Reivew M. Ponce's responses for Motion for Summary Judgment dec	0.30 125.00/hr	37.50
2/8/05 Review correspondence from L. Smith re: Meet asnd confer on production of 2003 FCS, 30(b)(6); Draft affidavit of M. Ponce and J. Rio	0.70 125.00/hr	87.50
2/9/05 Draft Affidavit of M. Ponce and J. Rio; Draft concise statement of facts; Draft argument section of appellate brief	3.10 125.00/hr	387.50
2/10/05 Review correspondence from T. Noa; Review correspondence from A. Waiolama; Place telephone call to A. Waiolama to confirm received answers to questions; Draft correspondence to M. Dillon, T. Noa and B. Christensen re: Responses from client; Draft argument section of Motion for Summary Judgment	2.40 125.00/hr	300.00

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Page 6

	<u>Hrs/Rate</u>	<u>Amount</u>
2/10/05 Draft correspondence to J. Fukumoto and S. Purdy re: Info needed for affidavit to Motion for Summary Judgment	0.20 125.00/hr	25.00
Review correspondence from S. Purdy re: Responses for affidavit	0.20 125.00/hr	25.00
2/11/05 Draft affidavit of clients; Draft argument section of Motion for Summary Judgment; Draft concise statement of facts; Review deposition of A. Waioloma and J. Rio re: Use of altered version of FCS after jury verdict	6.40 125.00/hr	800.00
2/15/05 Revise affidavit of clients; Draft correspondence to clients re: Review and comment to affidavits	0.60 125.00/hr	75.00
2/16/05 Revise affidavit of S. Purdy and A. Waiolama per clients' comments; Review correspondence from L. Smith re: Motion for Summary Judgment; Review correspondence from L. Colombe re: Discovery master, fees since out of case on Summary Judgment; Draft Motion for Summary Judgment and Concise statement of Facts; Place telephone call to J. Fukumoto re: Need answers to questions re: Employmnet at Fleming/C&S	4.30 125.00/hr	537.50
2/17/05 Review correspondence from L. Smith re: Motion for Summary Judgment	0.10 125.00/hr	12.50
Review responses from J. Fukumoto	0.10 125.00/hr	12.50

Louis J. Price, Esq.

Page 7

	<u>Hrs/Rate</u>	<u>Amount</u>
2/17/05 Review correspondence to J. Fukumoto re: Work to get affidavit signed	0.10 125.00/hr	12.50
Review correspondence from A. Waiolama re: Affidavit	0.10 125.00/hr	12.50
Draft and revise Motion for Summary Judgment; Draft and revise concise statement of facts; Draft table of contents and authorities; Draft correspondence to clients re: Affidavits; Review Plaintiff's Motion to Quash Y. Hata subpoena; Review Plaintiff's opposition to Motion to Compel production of FCS	3.10 125.00/hr	387.50
2/18/05 Review correspondnce from J. Fukumoto re: Draft affidavit; Reivew correspondence to L. Smith re: Response to Motion to Compel and Motion to Quash subpoena; Meet with L. Hosoda re: Affidavits of clients; Revise Motion for Summary Judgment	0.40 125.00/hr	50.00
2/19/05 Review correspondence from J. Fukumoto; Revise affidavit of J. Fukumoto; Draft correspondence to J. Fukumoto re: Revised affidavit; Revise argument and fact section of Motion for Summary Judgment; Draft table of authorities and contents; Revise concise statement of facts	3.10 125.00/hr	387.50
2/22/05 Revise Motion for Summary Judgment, table of authorities, contents; Revise CSF to comply with word limitation under local federal rules; Meet with L. Hosoda re: Obtaining notarized signatures of clients; Place telephone call	4.50 125.00/hr	562.50



Louis J. Price, Esq.

Page 8

	<u>Hrs/Rate</u>	<u>Amount</u>
to S. Purdy re: signature; Review correspondence to J. Fukumoto re: Same; Shepardize cases cited in Motion for Summary Judgment; Finalize Motion for Summary Judgment and CSF; Draft memo to L. Hosoda re: Affidavits, directions; Review correspondence from S. Purdy re: Correction to Affidavit; Revise the same		
2/23/05 Revise table of content and authorities; Revise CSF; Place telephone call to T. Fujinaga for hearing date and time for Motion for Summary Judgment; Prepare Motion for Summary Judgment and CSF for service and filing; Place telephone call to S. Purdy re: Signing of affidavit	2.80 125.00/hr	350.00
Review correspondence to clients re: Motion for Summary Judgment; Review correspondence from M. Dillon re: Back up or image system	0.20 125.00/hr	25.00
2/24/05 Review correspondence to L. Smith re: Meet and confer with Dillon on system requirements; Conference call with M. Dillon re: Preservation of system, back up, have discovery master make determination	0.40 125.00/hr	50.00
2/25/05 Place telephone call to A. Lopez re: Deposition of Y. Hata rep and documents	0.20 125.00/hr	25.00

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Page 9

	<u>Hrs/Rate</u>	<u>Amount</u>
2/25/05 Review statement of no position from Guidance Software re: PCT's motion to compel production of 2003 FCS; Review correspondence from M. Dillon re: Systems at work; Review Y. Hata's joinder to Berry's Motion to quash subpoena	0.40 125.00/hr	50.00
2/28/05 Review dec of A. Lopez; Review correspondence from E. Liebeler re: Y. Hata deposition; Review Guidance Software's position statement re: Motion to Compel	0.40 125.00/hr	50.00
 SUBTOTAL:	 [ 41.00	 5,125.00]
 For professional services rendered	 82.90	 \$13,505.00
Additional charges:		
<u>LHO</u>		
1/31/05 Fax		6.00
2/2/05 Fax		2.00
2/23/05 Xerox		412.00
Postage		74.35
Xerox		93.80
 SUBTOTAL:		 [ 588.15]
 Total costs		 \$588.15
Service tax		\$562.62
Total amount of this bill		\$14,655.77

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Page 10

	<u>Amount</u>
Previous balance	\$30,590.11
2/1/05 Payment - thank you	(\$20,347.31)
3/5/05 Payment - thank you	(\$10,242.80)
	<hr/>
Total payments	(\$30,590.11)
	<hr/>
Balance due	<u>\$14,655.77</u>

Lyle S. Hosoda & Associates  
 345 Queen St., Ste. 804  
 Honolulu HI 96813

Invoice submitted to:  
 Louis J. Price, Esq.  
 McAfee & Taft  
 211 N. Robinson Ave., 10th Floor  
 Oklahoma City OK 73102

April 1, 2005

Invoice # 11664

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>LHO</u>		
3/1/05 Review letter briefs by PCT re: Discovery and production; Conference call with L. Smith and M. Dillon re: Licensing of software; Review documents re: Software; Review position statements re: Production of Y. Hata documents	1.80 200.00/hr	360.00
3/2/05 Place telephone call to L. Smith and M. Dillon; Review and exchange emails between defense counsel; Review correspondence; Prepare for Summary Judgment hearing	2.20 200.00/hr	440.00
3/3/05 Review opposition by PTC re: 4th injunction by Plaintiff; Review Plaintiff letter re: Back up software; Exchange correspondence with defense counsel	1.20 200.00/hr	240.00

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Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
3/4/05 Communicate with defense counsel	1.20 200.00/hr	240.00
3/5/05 Research re: Reply Brief	2.00 200.00/hr	400.00
3/7/05 Exchange emails with defense counsel; Review documetns and prepare for meeting with C. Matsui; Review T. Hogan letter to C. Matsui re: Fleming's financials; Conference call with L. Smith and E. Liebeler and exchange emails re: Preparation for discovery conference with Special Master C. Matsui; Review documents; Begin research for Reply to Motion for Summary Judgment	3.50 200.00/hr	700.00
3/8/05 Attend meeting with discovery master C. Matsui; Multiple calls and emails with E. Liebeler, L. Smith, A. Lopez and M. Dillon re: Discovery	3.50 200.00/hr	700.00
3/9/05 Exchange emails with defense counsel; Review correspondence with T. Hogan; Review letters from L. Smith; Place telephone calls to L. Smith, E. Liebeler re: Discovery; Place telephone call to C. Matsui; Review documents; Provide documents to C. Matsui	3.00 200.00/hr	600.00
3/10/05 Place telephone calls to M. Dillon and L. Smith re: Software program; Review correspondence from C. Matsui; Draft and review correspondence from L. Smith and C. Matsui; Exchange emails with defense counse; Review Reply memo	3.20 200.00/hr	640.00

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Page 3

	<u>Hrs/Rate</u>	<u>Amount</u>
3/11/05 Place telephone calls to L. Smith; Place telephone call to M. Dillon; Work on imaging and installation; Place telephone calls to M. Matsui; Review correspondence from L. Smith and T. Hogan re: Discovery issues	2.70 200.00/hr	540.00
3/12/05 Place telephone calls to M. Dillon re: Special Master and expert re: Installation and imaging; Review correspondence re: Same	1.70 200.00/hr	340.00
3/13/05 Place telephone calls to M. Dillon re: Installation and imaging; Review documents and correspondence	1.20 200.00/hr	240.00
3/14/05 Review emails and correspondence from A. Lopez, L. Smith, T. Hogan and M. Matsui; Place telephone call to L. Smith re: Status following imaging; Place telephone call to L. Smith and J. Hoshibata; Conference call re: Guidance production; Conference call with L. Smith and M. Dillon; Check on status; Review correspondence from T. Hogan	2.80 200.00/hr	560.00
3/15/05 Review correspondence; Review stipulation for protective order; Exchange emails with defense counsel	1.70 200.00/hr	340.00
3/16/05 Review documents and status; Exchange emails with defense counsel; Review stipulation protective order	0.70 200.00/hr	140.00
Place telephone call to L. Smith; Conference call with B. Christensen re: Fleming distributing milk in Hawaii;	1.60 200.00/hr	320.00



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Page 4

	<u>Hrs/Rate</u>	<u>Amount</u>
Review email response from D. Capozzola; Review proposed response to T. Hogan re: Stipulation for protective order; Followup with M. Dillon re: Status		
3/17/05 Review and exchange emails and correspondence; Place telephone call to M. Dillon re: Status	0.80 200.00/hr	160.00
3/18/05 Review correspondence re: Stipulation for Protective Order from T. Hogan; Review email correspondence with defense counsel; Place telephone call to T. Hogan; Place telephone call to M. Dillon re: Discovery/computer Special Master; Review documents	1.40 200.00/hr	280.00
3/21/05 Review documents; Place telephone call to L. Smith; Review P. Johnson's supplemental expert report; Review Plaintiff's Motion to Extend Plaintiff's expert report deadline; Review T. Ueno's expert report	2.30 200.00/hr	460.00
3/22/05 Review correspondence from T. Hogan re: Y. Hata; Review and exchange emails with D. Capazolla, L. Smith, E. Liebeler and O. Samad re: Discovery; Reivew emails re: HES settlement; Place telephone call to L. Smith; Followup with T. Veno expert report; Research re: T. Veno prior depositions; Review guidance discovery; Review and exchange emails with defense counsel	4.50 200.00/hr	900.00
3/23/05 Conference call with L. Smith, D. Capozolla and O. Samad re: Discovery matters; Review letter	4.50 200.00/hr	900.00

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Page 5

	<u>Hrs/Rate</u>	<u>Amount</u>
from R. Fujichaku re: Guidance production; Exchange emails with defense counsel; Review discovery requests by Plaintiff and guidance software; Work on opposition to Berry's non-hearing motion for extension of time		
3/24/05 Review correspondence with T. Hogan re: Y. Hata documents; Review letter from L. Smith re: Production of C&S documents; Review guidance 7.1 disclosures; Review C&S statement of no position on our Motion for Summary Judgment; Review discovery provided by Plaintiff; Review and exchange email correspondence with Plaintiff and defense counsel; Research and draft opposition to Plaintiff's motion for additional time for expert witness; Review motion for Summary Judgment; Review PCT's position statement relative to Motion for Summary Judgment	6.50 200.00/hr	1,300.00
3/25/05 Review Plaintiff's response to PCT's discovery request; Place telephone calls to L. Smith and emails with D. Capozolla re: Discovery; Review letter to C. Matsui from D. Capozolla; Work on opposition to Motion for Extension of time	4.00 200.00/hr	800.00
3/26/05 Review Capozolla letter to C. Matsui re: Connection to lost profits; Research re: Opposition to Motion to Extend Time for expert's reports	2.50 200.00/hr	500.00

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Page 6

	<u>Hrs/Rate</u>	<u>Amount</u>
3/27/05 Work on Opposition to Motion for Extension of Time	2.00 200.00/hr	400.00
3/28/05 Work on opposition to Motion for Summary Judgment and opposition to Motion to Extend Time for Plaintiff's expert reports; Communicate with defense counsel; Review correspondence	4.00 200.00/hr	800.00
3/29/05 Correspondence with defense counsel re: Discovery expert witnesses; Research and draft opposition to motion for extension of time for experts; Review and draft cross MSJ	4.50 200.00/hr	900.00
3/30/05 Correspondence with defense counsel re: Discovery; Case status-strategy; Opposition to Motions for Summary Judgment; Opposition to Motion for Additional time; Draft letter to T. Hogan re: Status - request to continue hearing on Motion for Summary Judgment	5.00 200.00/hr	1,000.00
3/31/05 Review Plaintiff's joinder in guidance discovery request; Review letter fro Plaintiff's counsel; Review Plaintiff's expert P. Johnson report; Conference call with defense counsel and expert witnesses; Research and draft opposition to Motion for Summary Judgment and Cross-Motion for Summary Judgment; Research and draft opposition to Motion to Extend Time	6.00 200.00/hr	1,200.00
 SUBTOTAL:	 [ 82.00	 16,400.00]

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Page 7

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>RM</u>		
3/1/05 Place telephone call to L. Smith re: Whether M. Dillon received authorization to purchase software license; Conference call to M. Dillon re: License; Review draft letter to C. Matsui re: Installation of new operating system	0.40 125.00/hr	50.00
3/2/05 Review correspondence from D. Capozzola re: Copy of transcripts; Review correspondence from M. Dillon re: Purchased license	0.30 125.00/hr	37.50
3/7/05 Review Motion to Quash Y. Hata SDT and PCT's reply; Draft memo re: Discovery conference with B. Matsui; Review discovery requests on Fleming, Guidance Software; Update key discovery pleadings	1.70 125.00/hr	212.50
3/8/05 Attend discovery conference with C. Matsui; Conference call to L. Smith, E. Liebeler re: Discovery conference; Draft correspondence to client re: Status of case, discovery proceeding	1.20 125.00/hr	150.00
3/9/05 Review correspondence from L. Smith re: Responses to discovery master's questions; Review M. Dillon's responses; Review unredacted Iowa Telecom documents; Draft letter to C. Matsui re: Unredacted documents; Conference call with client re: Responses; Review letter to C. Matsui re: Response to questions; Place telephone call to A. Lopez re: Additional questions from Special Master	1.30 125.00/hr	162.50

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Page 8

	<u>Hrs/Rate</u>	<u>Amount</u>
3/10/05 Place telephone call to and from L. Smith re: Installation of new operating system; Place telephone call to M. Dillon re: Version of trial server software; Review correspondence from L. Smith re: Will proceed with installation; Review correspondence from T. Hogan re: Object to copying of software	0.80 125.00/hr	100.00
3/11/05 Place telephone call to and from M. Dillon re: Purchase of computer as new server, re: site inspection by discovery masters	0.40 125.00/hr	50.00
3/14/05 Conference call with client re: Discovery master's visit to facility; Review correspondence from C. Matsui re: Discovery master's expert visit to facility	0.30 125.00/hr	37.50
Review correspondence from D. Capozzola re: Full copy of EULA to discovery master	0.10 125.00/hr	12.50
3/15/05 Review Berry's reply re: Y. Hata documents	0.30 125.00/hr	37.50
3/16/05 Review correspondence from client; Review proposed protective order and changes to protective order; Review correspondence from D. Capozzola re: Same; Review correspondence from T. Hogan re: Proposed protective order	0.60 125.00/hr	75.00
3/18/05 Review correspondence from T. Hogan re: Comments to proposed protective order; Review correspondence from E. Liebeler; Review correspondence from C. Matsui re: Discovery	0.80 125.00/hr	100.00

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Page 9

	<u>Hrs/Rate</u>	<u>Amount</u>
3/18/05 Review correspondence files re: Spreadsheets at C&S from M. Dillon	0.30 125.00/hr	37.50
3/21/05 Review correspondence from L. Smith re: Emails to and from T. Noa re: Complaints about Berry's database; Review index of chronologized documents, emails; Review documents produced by clients; Review Plaintiff's Motion for Relief from scheduling order; Review Plaintiff's expert report re: Damages	1.70 125.00/hr	212.50
3/22/05 Review Plaintiff's computer expert report; Review correspondence from D. Capozzola re: Conference call to discuss Plaintiff's Motion for Relief from Scheduling Conference; Review correspondence from L. Smith re: Documents re: T. Noa's complaints about Berry system	0.40 125.00/hr	50.00
Review discovery re: CD's produced by Dillon with data	0.40 125.00/hr	50.00
3/23/05 Review memo re: Discovery, depositions; Review discovery requests from Guidance Software; Draft shell of Opposition to Motion for Relief from Scheduling order	0.50 125.00/hr	62.50
3/26/05 Draft letter to N. San Diego re: CD with only spreadsheets and no data; Draft shell of opposition to counter Motion for Summary Judgment and reply in support of Motion for Summary Judgment; Review Plaintiff's expert report and Berry's affidavit upon which expert relied to opine that excel spreadsheets is illegal derivative	1.80 125.00/hr	225.00



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Page 10

	<u>Hrs/Rate</u>	<u>Amount</u>
3/28/05 Review correspondence from O. Samad re: Opposition to Berry's Motion for Relief from scheduling order; Draft correspondence to O. Samad and A. Lopez re: Strategy on opposition; Review employees' Motion for Summary Judgment; Review Berry's counter Motion for Summary Judgment; Review Berry's affidavit re: Access queries to extract data; Review transcript from hearing on PI Motion; Review Berry's expert report; Review ruling on Dillon Motion for Summary Judgment; Meet with L. Hosoda re: Strategy on opposition to Berry's counter Motion for Summary Judgment and reply; Draft outline on opposition to Berry's Motion for Summary Judgment; Research issue of copying of structure is infringement	4.70 125.00/hr	587.50
3/29/05 Review correspondence discussions re: 2/25/05 expert report; Draft outline of opposition to Berry's cross Motion for Summary Judgment; Research re; Substantial similarity, what constitutes a derivative; Draft argument section of opposition to Berry's cross Motion for Summary Judgment; Review transcript of August 2004 hearing; Review transcript of September 2004 hearing on PI Motion	5.90 125.00/hr	737.50
3/30/05 Review exhibits Plaintiff's expert relied upon in rendering decision; Draft correspondence to M. Dillon re: Same; Research issue of 56(f) continuance, substantial similarity, extrinsic and	15.10 125.00/hr	1,887.50



Louis J. Price, Esq.

Page 11

	<u>Hrs/Rate</u>	<u>Amount</u>
intrinsic tests, willful infringement; Draft opposition to Berry's cross Motion for Summary Judgment		
3/31/05 Review PCT's draft of Motion for Summary Judgment; Conference call with D. Capozzola and expert witness re: Standard, process to find substantial similarity; Review Memo re: Expert guidelines; Conference call with D. Capozzola and L. Smith re: Strategy on opposition to Berry's Motion for Summary Judgment, PCT's Motion for Summary Judgment; Draft affidavit of L. Hosoda re: 56(f) request; Revise and finalize opposition to Berry's Motion for Summary Judgment and reply in support of Employees Motion for Summary Judgment; Shepardize cases cited in Opposition to Berry's Motion for Summary Judgment; Pull exhibits to attach to affidavit; Prepare opposition for filing and service; Review correspondence from D. Capozzola re: Comments to draft opposition to Berry's Motion for Summary Judgment; Reivew comments from L. Smith re: Draft opposition to Berry's Motion for Summary Judgment	6.70 125.00/hr	837.50
SUBTOTAL:	[ 45.70	5,712.50]
For professional services rendered	127.70	\$22,112.50

Louis J. Price, Esq.

Page 12

## Additional charges:

	<u>Amount</u>
<u>LHO</u>	
3/9/05 Postage	0.37
Xerox	1.00
Fax	18.00
3/10/05 Xerox	2.40
3/21/05 Postage	3.18
Xerox	17.00
3/22/05 Postage	3.87
Xerox	26.20
3/23/05 Postage	0.83
Xerox	0.40
3/24/05 Fax	3.00
Xerox	0.80
3/28/05 Postage	3.18
Xerox	15.60
3/30/05 Fax	6.00
Postage	3.33
Xerox	2.60
3/31/05 Postage	39.90

Louis J. Price, Esq.

Page 13

	<u>Amount</u>
3/31/05 Xerox	442.00
4/1/05 Xerox	353.60
	<hr/>
SUBTOTAL:	[ 943.26]
	<hr/>
Total costs	\$943.26
Service tax	\$921.21
	<hr/>
Total amount of this bill	\$23,976.97
Previous balance	\$14,655.77
	<hr/>
Balance due	<u><u>\$38,632.74</u></u>

Lyle S. Hosoda & Associates  
 345 Queen St., Ste. 804  
 Honolulu HI 96813

Invoice submitted to:  
 Louis J. Price, Esq.  
 McAfee & Taft  
 211 N. Robinson Ave., 10th Floor  
 Oklahoma City OK 73102

April 18, 2005

Invoice #11676

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>CTC</u>		
3/30/05 Research law re: Ninth Circuit test for copyright infringement	1.10 125.00/hr	137.50
3/31/05 Prepare opposition to Motion for Summary Judgment	1.40 125.00/hr	175.00
4/12/05 Attend Dillon trial preparation meeting with counsel	0.90 125.00/hr	112.50
4/13/05 Review District Court Rules re: Timeline for dispositive motions	0.30 125.00/hr	37.50
 SUBTOTAL:	 [ 3.70	 462.50]
<u>DM</u>		
3/21/05 Review emails re: Complaints of database after software switched	1.00 75.00/hr	75.00

Louis J. Price, Esq.

Page 2

	<u>Hrs/Rate</u>	<u>Amount</u>
3/23/05 Review emails re: Complaints of database after software switched	2.20 75.00/hr	165.00
Review emails re: Complaints of database after software switched	2.00 75.00/hr	150.00
 SUBTOTAL:	 [ 5.20	 390.00]

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LHO

4/1/05 Research and draft Opposition to Moiton to Extend Time; Review Motion for Summary Judgment drafted by PCT; Review expert reports of P. Johnson and T. Ueno; Exchange communication with defense counsel re: Discovery; Work on witness list for mainland discovery; Review correspondence from Plaintiff's counsel re: Discovery	5.00 200.00/hr	1,000.00
4/4/05 Correspondence with defense counsel; Research re: Discovery/Motion for Summary Judgment; Default of J. Fukumoto	2.50 200.00/hr	500.00
4/5/05 Review PCT's Opposition to Plaintiff's Motion for Extension of Time for expert reports; Review C&S opposition; Review Plaintiff's Reply re: Defendant's Motion for Summary Judgment; Place telephone call to L. Smith re: Discovery; Exchange emails with defense counsel re: Discovery; Review correspondence; Review potential mainland witness list	3.00 200.00/hr	600.00

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Page 3

	<u>Hrs/Rate</u>	<u>Amount</u>
4/6/05 Review documents and discovery; Place telephone call to L. Smith re: C. Matsui; Exchange emails with defense counsel re: Discovery and rulings by Special Master	1.20 200.00/hr	240.00
4/7/05 Exchange emails with defense counsel re: Discovery; Status of C. Matsui rulings; Begin preparation for hearing on Motion for Summary Judgment; Place telephone call to L. Smith; Review witnesses for deposition	1.70 200.00/hr	340.00
4/8/05 Review exchange of emails and letters between L. Smith and T. Hogan re: Expert reports/discovery; Place telephone call to L. Smith; Place telephone call to E. Liebeler re: Deposition; Followup on C. Matsui rulings; Review J. Mollway's inclinations; Prepare for Motion for Summary Judgment Hearing	4.00 200.00/hr	800.00
4/9/05 Review Court's inclinations; Review and prepare for hearing on Motion for Summary Judgment; Place telephone call to L. Smith	2.00 200.00/hr	400.00
4/10/05 Place telephone call to D. Capozzola; Prepare for Motion for Summary Judgment	1.50 200.00/hr	300.00
4/11/05 Prepare for and attend Hearing on Motion for Summary Judgment before Judge Mollway; Conference calls with L. Smith, D. Capozzola and O. Samad; Work on discovery request	2.80 200.00/hr	560.00

Louis J. Price, Esq.

Page 4

	<u>Hrs/Rate</u>	<u>Amount</u>
4/12/05 Review exchange of emails between L. Smith and T. Hogan re: Protective Order and discovery; Review and prepare for hearing with C. Matsui; Conference call with D. Capozzola; Place telephone call to L. Smith; Prepare for conference with C. Matsui; Meeting with defense counsel; Meeting with R. Fujichaku re: Discovery/cross-claim; Review Plaintiff's Reply to Motion to Extend Time; Meeting with defense counsel - strategize; Review documents	5.50 200.00/hr	1,100.00
4/13/05 Multiple calls and emails amongst defense counsel and Plaintiff counsel re: Special Masters orders; Review Special Master's discovery Orders; Review appeals taken; Strategize; Work on complying with Special Master's orders re: Iowa Telecomm documents	4.50 200.00/hr	900.00
4/14/05 Draft Opposition to Motions re: Protective Order and re: Discovery; Conference call with L. Smith, O. Samad, E. Liebeler, D. Capozzola and R. Mead; Review documents; Work on Iowa Telecomm documents; Review Motions and oppositions filed by Plaintiff; Exchange multiple emails between defense counsel	5.50 200.00/hr	1,100.00
4/15/05 Scheduling conference with Magistrate Kobayashi; Conference call wiht L. Smith and D. Capozzola re: Dispositive motions and discovery motions; Review Iowa Telecomm documents; Review Plaintiff's reply; Review Motion	6.00 200.00/hr	1,200.00



Louis J. Price, Esq.

Page 5

	<u>Hrs/Rate</u>	<u>Amount</u>
for Relief from scheduling order; Review Court orders re: Iowa Telecom documents; Review appeals re: Discovery		
4/16/05 Review Plaintiff's response to Guidance discovery requests; Review Court order re: Dispositive motions deadline; exchange emails with defense counsel	2.00 200.00/hr	400.00
4/18/05 Conference call with L. Smith/D. Capozzola re: Discovery/expert testimony; Review documents and discovery; Review expert report; Place telephone call to M. Dillon re: Status/report to expert	3.50 200.00/hr	700.00
4/19/05 Research expert witness; Exchange correspondence with Plaintiff and defense counsel re: Motions cut-off and expert disclosures; Begin preparation of witnesses	3.50 200.00/hr	700.00
4/20/05 Exchange emails with defense counsel; Prepare for status conference; Research re: Experts	1.80 200.00/hr	360.00
4/21/05 Review Berry's Motion for Summary Judgment; Review Guidance MSJ; Review PCT's disclosure of additional experts; Conference call with defense counsel E. Liebeler, D. Capozzola, O. Samad and L. Smith; Review and exchange emails with defense counsel; Conference call with L. Smith, D. Capozzola and T. Noa; Followup with B. Christensen and M. Dillon re: Discovery; Review documents	5.00 200.00/hr	1,000.00

Louis J. Price, Esq.

Page 6

	<u>Hrs/Rate</u>	<u>Amount</u>
4/22/05 Conference call with expert, L. Smith and D. Capozzola re: Deadlines; Prepare for conference call/meeting with Special Master C. Matsui; Review documents and correspondence by and between counsel; Followup on prior cases involving plaintiff	3.50 200.00/hr	700.00
4/23/05 Review Plaintiff's Answer to Interrogatories by PCT; Exchange correspondence/email with defense counsel; Review documents and correspondence	1.50 200.00/hr	300.00
4/24/05 Review documents and email correspondence between defense counsel and Plaintiff's counsel; Research re: Defenses; Begin preparation for depositions	2.00 200.00/hr	400.00
4/25/05 Place telephone calls to L. Smith re: Discovery; Email exchange with defense counsel re: Discovery; Review discovery orders by Special Master; Review documents; Place telephone call to M. Dillon re: Discovery	2.80 200.00/hr	560.00
4/26/05 Review letter from C. Matsui re: Ruling on discovery matters; Review T. Hogan letter appealing order; Review orders entered by C. Matsui; Review Guidance Software's response to Plaintiff's request for production of documents and interrogatories; Review L. Smith's letter to C. Matsui re: Dispositive motions cut-off; Place telephone calls to L. Smith re: Discovery and depositions; Place telephone call to B. Christensen re: Status/discovery; Correspond	4.00 200.00/hr	800.00

Louis J. Price, Esq.

Page 7

	<u>Hrs/Rate</u>	<u>Amount</u>
with clients on status of case; Review Plaintiff's appeal of Magistrate's/Special Master's orders re: Discovery		
4/27/05 Exchange email with defense counsel; Review 56(f) motions; Research and draft opposition to Plaintiff's appeals of Special Master and Magistrate rulings; Strategize and evaluate whether 56(f) motion needed on behalf of individual employees; Place telephone call to B. Christianson; Place telephone call to L. Smith	3.20 200.00/hr	640.00
4/28/05 Review documents and correspondence; Exchange emails with defense counsel	1.80 200.00/hr	360.00
4/29/05 Review documents and exchange emails with defense counsel	1.50 200.00/hr	300.00
4/30/05 Review documents in preparation for depositions	2.00 200.00/hr	400.00
SUBTOTAL:	[ 83.30	16,660.00]
<u>RM</u>		
4/1/05 Draft opposition to Berry's Motion for Relief from scheduling order; Review de minimis research; Review correspondence from L. Smith re: Status of Berry's settlement with HEX	4.50 125.00/hr	562.50
4/4/05 Review correspondence files and deposition of B. Christensen re: James Kleban as potential witness to be deposed; Review email logs re: Berry's female friend as	1.30 125.00/hr	162.50

Louis J. Price, Esq.

Page 8

	<u>Hrs/Rate</u>	<u>Amount</u>
possible witness to be deposed; Review pleadings filed by HEX re: Possible deponent; Draft correspondence to client re: Depositions; Review request for production of documents to M. Dillon from Gurzi/Guidance Software and Berry's joinder to same; Review HTC's statement of no position to Berry's Motion for Relief from scheduling order		
4/4/05 Research and analyze case law re: Substantial similarity; Review Berry's reply re: Cross Motion for Summary Judgment; Took notes for hearing on Motion for Summary Judgment and cross Motion for Summary Judgment	2.60 125.00/hr	325.00
4/5/05 Review depositions of clients for names of potential witnesses; Research name, address of A. Leos as possible witness; Review PCT's opposition to Motion for relief from scheduling order; Review C&S's opposition to Motion for Relief from scheduling order; Review documents re: Gurzi Guidance Software for response to request for production of documents; Review CV, experience of expert M. Walker; Research and review cases cited by Plaintiff in preparation for hearing on Motion for Summary Judgment and cross Motion for Summary Judgment	6.20 125.00/hr	775.00

Louis J. Price, Esq.

Page 9

	<u>Hrs/Rate</u>	<u>Amount</u>
4/6/05 Review cases cited by Plaintiff re: Infringement and injunctive relief; Review Plaintiff's reply; Prepare for Motion for Summary Judgment hearing; Review correspondence from client re: Johnson report	2.30 125.00/hr	287.50
4/11/05 Review Judge Mollway's inclination; Pull case cited by Court in inclination; Pull cases re: No profit, no damages; Conference call with C. Capozzola, O. Samad and L. Smith re: Motion for Summary Judgment; Attend hearing on Motion for Summary Judgment and Plaintiff's cross Motion for Summary Judgment; Conference call to D. Capozzola re: Motions for Summary Judgment; Meet with L. Smith to discuss further discovery, moving dispositive motions deadlines; Draft letter to clients re: Hearing on Motions for Summary Judgment; Review corresopndence between L. Smith and T. Hogan re: CD containing Berry's FCS; Review correspondence to Matsui re: CD; Review correspondence from D. Capozzola re: Tomorrow's conference with C. Matsui; Review discovery motion and opposition re: Production of financials sent to C. Matsui	3.50 125.00/hr	437.50
4/12/05 Meeting with office re: Discovery and trial preparation; Conference call with D. Capozzola, L. Smith re: Prepare for hearing on financials; Conference call with D. Capozzola and L. Smith re: C. Matsui's ruling on outstanding	6.00 125.00/hr	750.00

Louis J. Price, Esq.

Page 10

	<u>Hrs/Rate</u>	<u>Amount</u>
discovery issues, mediation; Review order issued by C. Matsui re: Financials, Y. Hata documents and protective order; Review rules re: Depositions; Draft memo re: Necessary expert and other discovery, trial preparation; Meet with S. Dunn re: Document review for preparation of expert depositions; Revise and finalize letter to clients re: Motion for Summary Judgment and cross Motions for Summary Judgment; Research and pull all orders issued by Judge and Magistrate; Meet with L. Hosoda re: Outstanding discovery issues for ruling by C. Matsui; Review Plaintiff's expert CPA report, noted cases Plaintiff's expert testified or rendered opinions in for research; Review correspondence between L. Smith and T. Hogan re: Protective order and discovery of database; Review update discovery logs for other areas and documents to request; Review correspondence from L. Smith re: Discovery of Plaintiff's ex wife as possible witness/deponent; Review Iowa Telecom documents; Draft letter to C. Matsui explaining what we had redacted in the Iowa Telecom documents		
4/12/05 Review correspondence from T. Hogan re: Protective order; Review correspondence from L. Smith re: Same; Review correspondence to C. Matsui re: Hogan will appeal protective order and order re: Iowa Telecom documents; Research appeal process; Draft memo re:	5.60 125.00/hr	700.00



Louis J. Price, Esq.

Page 11

	<u>Hrs/Rate</u>	<u>Amount</u>
Cannot appeal until Magistrate adopts or modifies Special Master's order; Review correspondence from D. Capozzola re Conference call on discovery issues and moving trial deadlines; Research re: Standard of review for appeal of Magistrate order; Review discovery master's order re: Iowa Telecom documents; Draft memo re: Need to redo redactions; Begin redacting telephone numbers in accordance with discovery master's order; Place telephone call to S. Dunn re: Need another set of documents copied for redaction; Meet with S. Dunn re: Review of files, preparing witness files for expert depositions, key documents; Review correspondence to and from A. Lopez re: CD with files from first copyright lawsuit; Research case involving Berry and ex-wife in preparation for deposition; Review order denying Motion for Summary Judgment and counter Motion for Summary Judgment; Place telephone call to client re: Same; Begin draft of partial Motion for Summary Judgment; Review files re: Spreadsheets and CD; Draft correspondence to D. Capozzola re: Same; Review discovery binder for key documents; Draft letter to clients enclosing Judge's order denying Motion for Summary Judgment and counter Motion for Summary Judgment and status		



Louis J. Price, Esq.

Page 12

	<u>Hrs/Rate</u>	<u>Amount</u>
4/18/05 Conference call with L. Smith and D. Capozzola re Proposed dates for motions and expert reports; Conference call with counsel re: Dispositive motions and expert deadlines; Review correspondence from D. Capozzola re: Discovery; Place telephone call to S. Dunn re: Status of expert deposition preparation; Review DHL confirmation CD package delivered to D. Capozzola; Draft letter to clients requesting authority to mediate with C. Matsui	1.70 125.00/hr	212.50
4/19/05 Meet with S. Dunn re: Deposition binders for Plaintiff's experts, researching cases involving W. Berry; Review expert deposition binders; Review email to and from D. Capozzola re: Agenda for conference call; Conference call with D. Capozzola, L. Smith and O. Samad re: Letter to C. Matsui re: Expert deadlines, depositions, mediation and further expert disclosures; Place telephone call to M. Dillon re: Dillon Queries and Queries.mdb; Review correspondence from L. Smith re: Draft letter to C. Matsui; Review letter from L. Smith re: Proposed schedule for expert deadlines and dispositive motions; Draft fact and standard of review sections of response to Berry's objection to discovery order re: Iow Telecom documents	2.70 125.00/hr	337.50
4/21/05 Review correspondence from L. Smith, D. Capozzola re: Issues to discuss on conference call; Conference call with E. Liebler,	3.80 125.00/hr	475.00

Louis J. Price, Esq.

Page 13

	<u>Hrs/Rate</u>	<u>Amount</u>
D. Capozzola, L. Smith and O. Samad re: Mediation, Berry's Motion for Summary Judgment against all Defendants, depositions, spreadsheets; Review correspondence to and from D. Capozzola re: Expert discovery and Motion for Summary Judgment deadlines; Review Berry's Motion for Summary Judgment against all Defendants; Review W. Berry's declaration and exhibits; Draft notes re: Possible need for delcaration from Dillon explaining installation of trial version of operating system; Begin drafting fact section of opposition to Berry's Motion for Summary Judgment; Pull previous orders issued by Mollway as exhibits to opposition to Motion for Summary Judgment; Draft shell of concise statement in opposition to Motion for Summary Judgment		
4/22/05 Review correspondence to and from D. Capozzola and L. Smith re: Berry's response to PCT's interrogatories, proposed schedule for expert discovery and Motion for Summary Judgment deadlines; Attend discovery conference with C. Matsui; Draft memo to file re: Conference with discovery master; Review correspondence from C. Matsui to Magistrate Kobayashi re: Proposed schedule; Place telephone call to E. Reber Porter re: Discovery conference with C. Matsui; Review deposition notices of mainland witnesses	1.80 125.00/hr	225.00

Louis J. Price, Esq.

Page 14

	<u>Hrs/Rate</u>	<u>Amount</u>
4/26/05 Review correspondence to and from T. Hogan re: Documents to expert witnesses; Review correspondence from D. Capozzola re: Scheduling issues; Draft 56(f) motion; Review correspondence from L. Smith to Magistrate Kobayashi re: Dispositive motions should be July 1; Review draft rule 56(f) motion; Place telephone call to L. Smith re: Rescheduling mainland depositions; Review key pleadings pulled from civil cases filed against Berry; Review Berry's appeal from order re: Protective order and appeal from order re: Iowa Telecom documents; Update discovery and key pleadings logs	2.80 125.00/hr	350.00
4/27/05 Review correspondence from D. Capozzola re: 56(f) motion; Place telephone call to J. Keane re: Berry's Memo in Opposition re: Protective Order; Create pdf file of opposition and email J. Keane; Draft opposition to Berry's appeal of Iowa Telecom order	1.80 125.00/hr	225.00
4/28/05 Review correspondence to and from D. Capozzola re: Employees file joinder to rule 56(f) motion; Review minute order amending scheduling of trial and other deadlines; Meet with M. Dillon re: Reimbursement for car rental; Review Berry's appeal re: Iowa Telecom documents; Review Iowa Telecom documents; Draft opposition to Berry's appeal re: Iowa Telecom documents; Place telephone call to S. Dunn re: Will continue to summarize Berry deposition, trial testimony	2.40 125.00/hr	300.00

Louis J. Price, Esq.

Page 15

	<u>Hrs/Rate</u>	<u>Amount</u>
4/29/05 Review correspondence from L. Smith re: Which Judge will rule on 56(f) motion; Place telephone call to T. Fujinaga re: Will be available for conference call with Judge Mollway re: Rule 56(F) motion; Review correspondence from L. Smith re: CD with all spreadsheets and software in use; Draft correspondence to L. Smith re: Will be at his office for conference call	0.60 125.00/hr	75.00
 SUBTOTAL:	 [ 49.60	 6,200.00]
<u>SD</u>		
4/13/05 Preparation of documents; Research First Circuit Court re: Other Berry litigation including divorce	2.00 85.00/hr	170.00
Preparation of documents; Plaintiff expert deposition preparation for Johnson and Ueno	7.50 85.00/hr	637.50
4/14/05 Research re: Berry prior litigation and/or court preceding; Preparation of documents for Plaintiff; Expert deposition preparation for Johnson and Ueno	8.00 85.00/hr	680.00
4/15/05 Research re: Berry prior litigation and/or court preceding; Preparation of documents for Plaintiff and expert deposition	8.00 85.00/hr	680.00
4/18/05 Witness preparation; Deposition summary of Plaintiff's expert Johnson - pull exhibit	4.00 85.00/hr	340.00

Louis J. Price, Esq.

Page 16

	<u>Hrs/Rate</u>	<u>Amount</u>
4/18/05 Witness preparation; Prepare exhibits for Wayne Berry, Trial transcripts and depositions	4.00 85.00/hr	340.00
4/19/05 Witness preparation; Prepare exhibits for W. Berry, Trial transcripts and Summarize transcripts	8.00 85.00/hr	680.00
4/20/05 Witness preparation; Prepare exhibits for W. Berry, Trial transcripts and Summarize transcripts	8.00 85.00/hr	680.00
4/21/05 Witness preparation; Prepare exhibits for W. Berry, Trial transcripts and Summarize transcripts	8.00 85.00/hr	680.00
4/22/05 Witness preparation; Prepare exhibits for W. Berry, Trial transcripts and Summarize transcripts	8.00 85.00/hr	680.00
4/25/05 Trial preparation re: Depositions schedule and potential exhibits	8.00 85.00/hr	680.00
4/26/05 Trial preparation re: Witness preparation summarize depositions and Trial testimony of W. Berry	8.00 85.00/hr	680.00
4/27/05 Trial preparation re: Witness preparation; Summarize depositions and Trial testimony of W. Berry	8.00 85.00/hr	680.00
 SUBTOTAL:	 [ 89.50	 7,607.50]
 For professional services rendered	 231.30	 \$31,320.00

Louis J. Price, Esq.

Page 17

## Additional charges:

	<u>Amount</u>
<u>LHO</u>	
4/1/05 Postage	33.05
Xerox	228.00
4/4/05 Postage	41.80
Xerox	3.20
4/8/05 Fax	4.00
4/9/05 Fax	4.00
4/12/05 Postage	2.96
Xerox	9.00
Fax	21.00
4/13/05 Postage	4.80
Xerox	24.80
4/14/05 Professional services rendered by Accucopy	417.21
Xerox	1.20
4/15/05 Postage	2.96
Xerox	0.80
4/21/05 Xerox	224.60
Fax	14.00
4/22/05 Postage	0.37

Louis J. Price, Esq.

Page 18

	<u>Amount</u>
4/22/05 Xerox	0.80
Postage	18.05
Xerox	1.20
4/28/05 Postage	4.20
Xerox	24.00
5/2/05 Postage	2.96
Xerox	0.80
 SUBTOTAL:	 [ 1,089.76]
 Total costs	 \$1,089.76
Service tax	\$1,304.79
Total amount of this bill	\$33,714.55
Previous balance	\$38,632.74
 Balance due	 \$72,347.29